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December 19, 2023

By ECF

Hon. Taryn A. Merkl  
United States Magistrate Judge  
United States District Court  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: Sylla et al., v. Amazon Labor Union et al.  
Civil Case No. 23- 05261 (AMD)  
Pending Motion to Disqualify

Dear Magistrate Merkl:

The response from Attorney Mirer to my letter is preposterous.

I have represented in open court, on the record, that I do not, and will not, while this litigation is pending, represent Ms. Nieves. The representation that I am “using” Ms. Nieves to do things is baseless. ALU would have been better off inviting Ms. Nieves to the settlement conference, and even allowing her to be represented by me at this point (since we should have an agreement in hand settling the whole litigation as it stands,) and having her participate in any agreement, but they refused. I have no control over Ms. Nieves, and as far as I know she has no attorney.

The entire exchange of emails, which did include a question about my representation of Ms. Nieves, went way beyond that and the last response from Attorney Mirer did not repeat the question.

I have spoken to Ms. Hossain. It would be easier if we did have an agreement. I sent a draft to Attorney Mirer on December 14 and have not gotten a response. Now Ms. Mirer seems to be reviving her Motion to Disqualify. If that is so then we will not be able to sign off on the agreement and we will have to set a hearing on her motion.

Frankly, I believe that Attorney Mirer is just stalling. Mr. Smalls and my clients have announced the substance of the agreement to the world. Mr. Smalls has announced to the press that he is not running for re-election. The “dissidents” and Mr. Smalls are jointly planning activities in the warehouse. Mr. Smalls and my clients have been meeting in person and making plans about how to move forward between now and the February meeting which we agreed to.

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We need a conference quickly. The Court set a January 5, 2024 deadline for a Consnet Agreement; now I am worried that with the revival of the Motion to Disqualify (I believe that is what Attorney Mirer's letter says) we will never get there.

Respectfully submitted,

/s/ *Arthur Z. Schwartz*  
Arthur Z. Schwartz

cc: Jeanie Mirer, Attorney for Defendants – by ECF